

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Tracy A. Portner
Deane J. Portner

Debtor(s)

CHAPTER 13

Lakeview Loan Servicing, LLC

Movant

vs.

NO. 17-16135 ELF

Tracy A. Portner
Deane J. Portner

Debtor(s)

William C. Miller Esq.

Trustee

11 U.S.C. Section 362

**MOTION OF Lakeview Loan Servicing, LLC
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is Lakeview Loan Servicing, LLC.
2. Debtor(s) is/are the owner(s) of the premises 25 Essex Street, Marietta, PA 17547, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$108,262.00 on the mortgaged premises that was executed on January 13, 2009. Said mortgage was recorded on January 22, 2009 at Document ID Number 5756335 The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on February 19, 2015, at Instrument Number 6188824 in Lancaster County.
4. William C. Miller Esq., is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Debtor(s) has/have failed to make the monthly post-petition mortgage payments in the amount of \$782.98 for the months of November 2019 through January 2020. The debtor's suspense balance is \$204.55.
7. The total amount necessary to reinstate the loan post-petition is \$2,144.39.

8. Debtor is currently delinquent in plan payments to the Chapter 13 Trustee in the amount of \$450.00.

9. Movant is entitled to relief from stay for cause.

10. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Rebecca A. Solarz, Esquire

Rebecca A. Solarz, Esquire

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